

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

IRON WORKERS DISTRICT	:	Case No. 3:13-cv-00283
COUNCIL OF SOUTHERN OHIO &	:	
VICINITY BENEFITS TRUST, et al.,	:	District Judge Walter H. Rice
	:	Magistrate Judge Sharon L. Ovington
Plaintiffs,	:	
	:	
vs.	:	
	:	
G.M.A.B. LLC, et al.,	:	
	:	
Defendants.	:	

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**REPORT AND RECOMMENDATIONS<sup>1</sup>**

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The Court previously determined that Colin M. Garrett committed civil contempt by violating the creditor's bill issued on September 8, 2015. (Doc. #s 79, 157, 158). The Court imposed upon Garrett the reasonable amount of judgment creditors' attorney fees and costs in the amount of \$48,317.88.

On March 9, 2017, the Court ordered Garrett to submit to the Trusts and file with this Court his affidavit each month containing certain information until the Court's December 2, 2013 Judgment is satisfied. (Doc. #158). The last affidavit Garrett submitted to the Court was in August 2018. (Doc. #175).

On May 8, 2020, the Court ordered Garrett to show cause within fourteen days why he should not be held in contempt for failing to comply with the Court's March 9, 2017 Order. (Doc. #s 158, 176). Garrett has not responded to the Order to Show Cause.

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<sup>1</sup> Attached is a NOTICE to the parties regarding objections to this Report and Recommendations.

He has consequently failed to show cause or present any reason why he should not be held in contempt for violating the Court's March 9, 2017 Order.

**IT IS THEREFORE RECOMMENDED THAT:**

1. Colin M. Garrett be found in contempt of the Court's March 9, 2017 Order;  
and
2. In addition to the Judgment and attorney fees previously entered against Colin M. Garrett (Doc. #18), Judgment be entered against Colin M. Garrett for the amount of reasonable attorney fees and costs—\$48,317.88—previously assessed against him due to his continuing and current contempt.

June 8, 2020

*s/Sharon L. Ovington*

Sharon L. Ovington  
United States Magistrate Judge

### **NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within FOURTEEN days after being served with this Report and Recommendations. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within FOURTEEN days after being served with a copy thereof.

Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).